

Memorandum



Date: November 27, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Substitute
Special Item No. 1

Subject: Ordinance Acting Upon April 2012 Cycle Small-Scale Amendments to the
Comprehensive Development Master Plan

This substitute ordinance differs from the original in that it reflects the lawful withdrawal of Application No. 3 pursuant to Section 2-116.1(3)(b) of the Code of Miami-Dade County and revises the request for Application No. 1 to reflect the applicant's proffered covenant.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached Ordinance (Special Item No. 1), which provides for the Board to adopt, adopt with change, not adopt or deny the April 2012 Cycle Small-Scale Application No. 1 to amend the Adopted 2015-2025 Land Use Plan map of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the Ordinance at the conclusion of the public hearing scheduled to take place in November 2012.

Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and to maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts; such as Application No. 1, which is located within Commissioner Heyman's District 4.

Fiscal Impact/Funding Source

Fiscal impact means the cost to the County of implementing the activities or actions after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact to the County. Information on the fiscal impacts from the referenced small-scale CDMP amendment applications are contained in the document titled, "Initial Recommendations April 2012 Applications to Amend the Comprehensive Development Master Plan," dated August 25, 2012.

Fiscal impacts from approved CDMP Land Use Plan map amendment applications vary depending on the type of request and location. For example, proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. According to the Miami-Dade Water and Sewer Department, if Application No. 1 is approved and the application site is developed with 145 multi-family units (maximum residential development allowed under the requested CDMP land use designation of "Low-Medium Density Residential with One Density Increase with Urban Design"), the annual

operating and maintenance costs for water and sewer service is estimated at \$25,824. However, if the application site were developed with 125 multi-family units, in accordance with the proffered Declaration of Restrictions (covenant), the annual operating and maintenance costs for water and sewer service are estimated at \$22,262.

Housing Impact

If the small-scale Land Use Plan map amendment Application No. 1 were approved with acceptance of the proffered covenant, the County's supply of multi-family housing could be increased by 56 net dwelling units. If Application No. 1 were approved without the proffered covenant, the supply of housing in the County could be increased by a total of 76 net dwelling units.

Track Record/Monitor

CDMP amendments do not involve contracts; therefore, a Track Record/Monitor is not applicable.

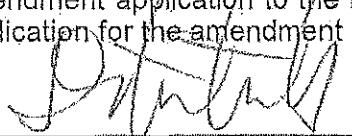
Background

The attached Ordinance (Special Item No. 1) provides for the Board's action on small-scale Application No. 1 filed in the April 2012 Cycle of Applications requesting amendments to the CDMP. State law allows the adoption of the referenced small-scale CDMP amendments at the Board's public hearing on the April 2012 Cycle Applications scheduled for November 2012.

A CDMP amendment application is eligible, under Section 163.3187, F.S., to be processed as a small-scale amendment to the local comprehensive plan if it involves 10 or fewer acres and the maximum total acreage in a calendar year for small-scale amendments does not exceed 120 acres. Since the County has not exceeded the acreage limitations for small-scale amendments to the CDMP for calendar year 2012, the Board has the ability to approve the proposed small-scale amendment Application No. 1, totaling 4.4 gross acres, without prior review by the State Land Planning Agency.

The Planning Advisory Board, acting as Local Planning Agency, will conduct its public hearing on October 9, 2012 at which time the Planning Advisory Board will formulate its recommendations to the Board on all of the CDMP amendment applications filed in the April 2012 Cycle of Amendments. A "Summary of Recommendations" matrix, which shows the recommendations of the Department of Regulatory and Economic Resources, the affected Community Councils and the Planning Advisory Board, addressing the April 2012 Cycle Applications, will be included in the agenda materials package for the Board's public hearing on the April 2012 Cycle Applications scheduled for November 2012.

At the November 2012 public hearing the Board may adopt, adopt with change, not adopt, or deny the referenced small-scale CDMP amendments. If the Board does not adopt Application No. 1 as a small-scale amendment, it may elect, by separate resolution, to transmit the proposed small-scale amendment to the State Land Planning Agency and other state and regional agencies for review and comments, and take final action in April 2013 after State review. Denial or failure to adopt as a small-scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review, effectively denies approval of the application for the amendment cycle.



Jack Osterholt, Deputy Mayor

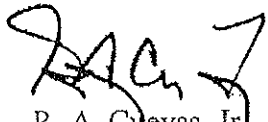


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 27, 2012


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Substitute
Special Item No. 1

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1
11-27-12

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN
ACTING UPON SMALL-SCALE AMENDMENT
APPLICATIONS FILED IN APRIL 2012 CYCLE TO AMEND,
MODIFY, ADD TO OR CHANGE COMPREHENSIVE
DEVELOPMENT MASTER PLAN; PROVIDING
SEVERABILITY, EXCLUSION FROM THE CODE AND AN
EFFECTIVE DATE

WHEREAS, the Miami-Dade Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes (F.S.); and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in Section 163.3187, F.S.; and

WHEREAS, Four CDMP amendment applications were filed on or before May 1, 2012 and are contained in the document titled "April 2012 Applications to Amend the Comprehensive Development Master Plan," dated June 5, 2012; and

WHEREAS, of the four CDMP amendment applications comprising one text amendment (Application No. 4) and three Land Use Plan map amendments (Application Nos. 1, 2 and 3) filed for processing during the April 2012 Cycle Applications, two eligible applications (Application Nos. 1 and 3) requested expedited adoption as small-scale CDMP amendments; and

WHEREAS, the Department of Regulatory and Economic Resources (Department) published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2012 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2012; and

WHEREAS, the affected Community Councils, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale CDMP amendment requests; and

>>WHEREAS, Application No. 3 was lawfully withdrawn by the applicant by letter dated October 3, 2012 pursuant to Section 2-116.1(3)(b) of the Code of Miami-Dade County Florida; and<<¹

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny the requested small-scale CDMP amendment Application No[[s]].
1 [[and 3]] at the public hearing conducted to address the question of transmittal to the State Land Planning Agency and other state and regional agencies (reviewing agencies); and

WHEREAS, the Board will consider approving a resolution transmitting to the State Land Planning Agency and other state and regional agencies any eligible small-scale amendment that is not adopted but not denied, and which this Board desires to further consider after review by the reviewing agencies; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction

¹ The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take action on small-scale CDMP amendment Application No[[s]]. 1 ~~[[and 3]]~~ filed for review during the April 2012 Cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED SMALL SCALE AMENDMENTS TO THE CDMP	Action on Small- Scale Amendment
1	<p>Weitzer Aventura, LLC/Jeffrey Bercow, Esq. & Graham Penn, Esq.</p> <p>Southeast corner of the intersection of NE 213 Street and NE 26 Avenue (4.4 gross acres; 3.17 net acres)</p> <p><u>Requested >>CDMP<< Amendment [[to the CDMP Land Use Plan Map]]</u></p> <p><u>>>1. Redesignate application site on the LUP map<<</u></p> <p>From: Low-Medium Density Residential (6 to 13 dwelling units per gross acre) and Business and Office</p> <p>To: Low-Medium Density Residential Communities with One Density Increase (DI-1) with Urban Design and Business and Office</p> <p><u>>>2. Revise the Restrictions Table in the Land Use Element to include the proffered Declaration of Restrictions, if accepted by the Board of County Commissioners.<<</u></p>	
[[3	<p>Pan-American Companies, Inc./Juan J. Mayol, Jr., Esq.</p> <p>Southeast corner of SW 127 Avenue and SW 56 Street (10.0 gross acres; 8.45 net acres)</p> <p>Requested Amendment to the CDMP Land Use Plan Map</p> <p>From: Agriculture</p> <p>To: Business and Office]]</p>	

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an

override by the Board; however, the effective date of any small-scale plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board, if the amendment is not timely challenged. If challenged within thirty (30) days after adoption, the challenged small-scale plan amendment shall not become effective until a final order is issued by the State Land Planning Agency or the Administration Commission determining the adopted small-scale amendment to be in compliance. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the State Land Planning Agency.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Collier